

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *js* D.C.
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MAX MAY, et al.,)
)
Plaintiffs,)
)
v.) No. 03-2112 M1/P
)
NATIONAL BANK OF COMMERCE,)
a banking corporation organized)
under the laws of the United)
States of America, in its)
corporate capacity and as)
Trustee of the Memphis Equipment)
Company Employee Stock)
Ownership Plan, and LAWRENCE)
SCOTT, an individual resident)
of Cordova, Shelby County,)
Tennessee,)
)
Defendants.)

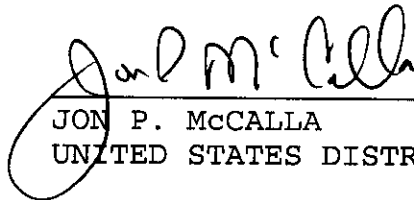
THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

ORDER DENYING DEFENDANT LAWRENCE SCOTT'S COMBINED MOTION AND
MEMORANDUM FOR LEAVE TO FILE MOTIONS AS MOOT

Before the Court is Defendant Lawrence Scott's Combined Motion and Memorandum for Leave to File Motions, filed October 28, 2004. In particular, Defendant moves the Court for: (1) leave to file a motion to amend his answer to add the defenses of ratification and election of remedies in relation to Plaintiff's claims to void the sale transaction; and (2) leave to file a motion for summary judgment relating to Plaintiffs' claims to void the sale transaction. On November 1, 2004, however, the Court issued an Order Rescinding Transaction *Ab Initio*.

Accordingly, the Court DENIES the motion as moot.

So ORDERED this 14 day of July, 2005.



JON P. McCALLA
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 329 in case 2:03-CV-02112 was distributed by fax, mail, or direct printing on July 15, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT